

## DETAILED ACTION

### *Amendment*

1. The amendment filed on 4/28/09 is entered.

### *Status of Claims*

2. Claims 1-54, 58 and 60 are cancelled  
Claims 55 and 59 have been amended.  
New claims 63-68 have been added.  
Claims 61-68 are under examination.  
Claims 55-57 and 59 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention.

### *Examiner's amendment*

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.  
Authorization for this examiner's amendment was given in a telephone interview with Travis M. Wohlers on 7/14/09. The application has been amended as follows:

Claims 57, 67-68 are canceled.

Claim 61. (Currently Amended) A pharmaceutical immunogenic composition comprising an isolated hyper immune serum-reactive antigen consisting of the amino acid sequence of: amino acids 6-28, 54-59, 135-147, 193-205, 274-279, 284-291, 298-308, 342-347, 360-366, 380-386, 408-425, 437-446, 457-464, 467-477, 504-510, 517-530, 535-543, 547-553, 562-569, 573-579, 592-600, 602-613, 626-631, 638-668 or 396-449 of SEQ ID NO: 32.

Claim 62. ( Currently Amended ) The pharmaceutical immunogenic The pharmaceutical immunogenic composition of claim 61, comprising the isolated hyperimmune serum-reactive antigen consisting of the amino acid sequence of amino acids 396-449 of SEQ ID NO: 32.

Claim 63. (Currently Amended) The pharmaceutical immunogenic composition of claim 61, further comprising at least two different hyperimmune serum-reactive antigens.

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Claim 64. (Currently Amended) The ~~pharmaceutical~~ immunogenic composition of claim 61, further comprising an immunostimulatory substance.

Claim 65. (Currently Amended) The ~~pharmaceutical~~ immunogenic composition of claim 64, wherein the immunostimulatory substance is a polycationic polymer, an immunostimulatory deoxynucleotide (ODN), a peptide containing at least two LysLeuLys motifs, a neuroactive compound, alum, or a Freund's complete or incomplete adjuvant.

Claim 66. (Currently Amended) The ~~pharmaceutical~~ immunogenic composition of claim 65, wherein the polycationic polymer is a polycationic peptide.

Claim 55. (Currently Amended) A method of ~~vaccinating~~ inducing an immune response in a subject comprising; ~~obtaining administering a~~ an ~~pharmaceutical~~ immunogenic composition comprising an isolated hyperimmune serum-reactive antigen consisting of the amino acid sequence of: amino acids 6-28, 54-59, 135-147, 193-205, 274-279, 284-291, 298-308, 342-347, 360-366, 380-386, 408-425, 437-446, 457-464, 467-477, 504-510, 517-530, 535-543, 547-553, 562-569, 573-579, 592-600, 602-613, 626-631, 638-668 or 396-449 of SEQ ID NO: 32; and a pharmaceutically acceptable carrier ~~administering the pharmaceutical composition to a subject; wherein the subject is vaccinated.~~

Claim 59. (Currently Amended) The method of claim 55, wherein the ~~pharmaceutical~~ immunogenic composition comprises at least two different hyperimmune serum-reactive antigens

4. Claims 61-62 are allowed in the previous office action 10/28/08 as there is no prior art over these claims. The newly added claims 63-66 are also allowable as they depend from previously allowed claim 61.

5. Claims 61-66 are directed to an allowable product. Pursuant to the procedures set forth in MPEP § 821.04(b), claims 55, 56 and 59 are directed to the process of using the allowable product, previously withdrawn from consideration as a result of a restriction requirement, 12/7/06 hereby rejoined and fully examined for patentability under 37 CFR 1.104.

Because a claimed invention previously withdrawn from consideration under 37 CFR 1.142 has been rejoined, In view of the withdrawal of the restriction requirement as to the rejoined inventions, applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such

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claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

***Reasons for allowance***

6. Claims 61-66, 55, 56 and 59 are found to be allowable because the claims are drawn to a novel immunogenic composition and method of inducing an immune response comprising hyper immune serum—reactive antigens as claimed. The claimed antigens obtained by screening against *S. epidermidis* hyper immune serum from patients unlike other screening methods that use sera from immunized animals. The hyper immune serum—reactive antigens obtained by this screening are indeed involved in *vivo* infection and therefore are candidate antigens for vaccine purposes.

7. Claims 61-66, 55, 56 and 59 are allowed and have been renumbered as 1-9 respectively.

8. Papers related to this application may be submitted to Group 1600, AU 1645 by facsimile transmission. Papers should be transmitted via the PTO Fax Center, which receives transmissions 24 hours a day and 7 days a week. The transmission of such papers by facsimile must conform to the notice published in the Official Gazette, 1096 OG 30, November 15, 1989. The Right Fax number is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PMR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PMR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PMR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Padma Baskar Ph.D., whose telephone number is (571) 272 0853. A message may be left on the Examiner's voice mail system. The Examiner can normally be reached on Monday to Friday from 6.30 a.m. to 4.00 p.m. except First Friday of each bi week.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Mondesi can be reached on (571) 272-0956.

Respectfully,  
/Padma V Baskar/  
Examiner, Art Unit 1645

/Robert B Mondesi/  
Supervisory Patent Examiner, Art Unit 1645